

Order

Michigan Supreme Court
Lansing, Michigan

March 29, 2006

Clifford W. Taylor,
Chief Justice

130332

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellant,

v

SC: 130332
COA: 255641
Genesee CC: 03-012258-FC

JEROME EDWIN MONTGOMERY,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the November 22, 2005 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REVERSE that portion of the Court of Appeals judgment that pertains to this defendant for the reasons stated in the dissenting opinion, and REINSTATE defendant's convictions for kidnapping, conspiracy to kidnap, and first-degree home invasion. We REMAND this case to the Court of Appeals for consideration of the remaining issues that were raised by defendant, but not addressed by the court.

We do not retain jurisdiction.

KELLY, J., would deny leave to appeal.



s0322

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 29, 2006

Corbin R. Davis

Clerk